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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,736	06/30/2003	Georges R. Harik	Google-47 (GP-108-00-US)	6223
26479	7590	02/26/2007	EXAMINER LE, DEBBIE M	
STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			ART UNIT 2168	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/26/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/614,736	HARIK, GEORGES R.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DEBBIE M. LE	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 15 November 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-16,23 and 28-43 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-16,23 and 28-43 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

In view of the Appeal Brief filed on 11/15/06, prosecution is hereby reopened. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- 1) file a reply under 37 CFR 1.111 (if this office action is a non-final) or a reply under 37 CFR 1.113 (if this office is a final); or
- 2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 6-11-16, 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Radwin (US Patent 7,007,074 B2).

As per claim 1, Radwin discloses a method comprising:

- a) accepting a search query (col. 5, lines 15-16, as search server receives search query send from a user);
- b) searching a searchable data structure including advertiser Web page information (col. 5, lines 17-19, as the search server parses the search terms in of the search query to find advertisements in advertisement repository 20);
- c) accepting search results (col. 5, lines 20-23, as search server responds by serving up a search results page comprising a list of matching document or keyword advertisement);
- d) retrieving at least one advertisement using at least a portion of the accepted search results (col. 5, lines 35-37, as in response to a request from the search server 14, the advertisement repository 20 provides a target advertisement for presentation to the user).

As per claim 6, Radwin teaches wherein the at least one advertisement is retrieved from a set of advertiser information, the set of advertiser information including information identifying advertiser Web pages, and wherein the

searchable data structure including advertiser Web page information includes information extracted exclusively from the identified advertiser Web pages (col. 5, lines 17-20, col. 6, lines 15-18).

As per claim 7, Radwin wherein each of the search results have a score (col. 9, lines 1-3).

As per claim 8, Radwin teaches e) scoring, using at least the search result scores, at least some of the retrieved at least one advertisement (col. 4, lines 4-6).

As per claim 9, Radwin teaches e) scoring, using at least the search result scores and further using at least one of (1) ad performance information, (2) ad price information (3) advertiser quality information, and (4) user information, at least some of the retrieved at least one advertisement (col. 9, lines 11-25, col. 6, lines 45-58).

As per claim 10, Radwin teaches wherein the searchable data structure includes entries, each entry including a term and one or more Web page identifiers (e.g., a list of numbers 29, these numbers represent the list of advertisement types 42), and wherein the act of retrieving at least one advertisement using at least a portion of the accepted search results uses Web page identifiers included in the search results (col. 7, lines 44-63, col. 8, lines 25-39).

As per claim 11, Radwin teaches wherein the Web page identifiers are used as lookup keys to a database of advertisement information (col. 8, lines 40-50).

As per claim 12, Radwin teaches wherein the at least one advertisement is not one of the accepted search results. (col. 11, lines , 14-18, 40-48, term rental and car is the only advertisement qualified to be presented as an immediate advertisement

(accepted search result), while advertisement will be available for presentation as a time-dependent advertisement, such as banner, streaming video, audio advertisement are not one of the accepted search results).

As per claim 13, Radwin teaches wherein the act of retrieving at least one advertisement is performed without consideration of expressly entered targeting information (col. 8, lines 8-17).

As per claim 14, Radwin teaches wherein the act of retrieving at least one advertisement is performed without consideration of keyword targeting information (col. 8, lines 8-17).

As per claim 15, Radwin teaches e) generating a document including (1) search results determined using the search query and a second searchable data structure (Fig. 2, # 22,), and (2) the at least one advertisement (col. 8, lines 8-20).

As per claim 16, Radwin teaches wherein a format of each of the search results is different from a format of each of the at least one advertisement (col. 10, lines 3-15).

As per claim 23, Radwin discloses a search engine (Fig. 2, # 52, search engine) comprising:

- a) a query processor (Fig. 1, # 14, as search server, parse the search query);
- b) a first index including information derived from Web pages of the World Wide Web (Fig. 2, # 20, Ad repository, col. 5, lines 45-61, col. 8, lines 33-39, as Web server operates to receive a URL and the content of HTML document (Web pages) and store as records in a table data structure); and
- c) a second index including information derived exclusively from Web pages of

advertisers (Fig. 2, # 24, search term index).

Claim 28 is rejected under the same rationale as stated in independent claim 1 arguments.

Claims 33-37, 38-44 have similar limitations as claims 6-16, therefore, they are rejected under the same subject matter.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radwin (US Patent 7,007,074 B2) in view of Spencer (US Patent 5,915,249).

As per claim 2, Radwin does not teach wherein the searchable data structure is an inverted index. However, Spencer teaches the searchable data structure is an inverted index (Fig. 2, # 200; inverted index). To implement the step of constructing the searchable data structure is an inverted index as disclosed by Spencer because it would provide information retrieval from a large text (e.g., search terms) database structure and query processing technique that efficiently handle queries the significance and repetitiveness of certain terms in the queries, while still providing scalability as the document collection grow.

As per claim 3, Spencer teaches wherein the inverted index includes entries, each entry including a term and one or more Web page identifiers (col. 1, lines 53-57).

As per claim 4, Spencer teaches wherein the inverted index includes entries, each entry including a term and one or more pairs, each pair including a Web page identifier and a term count (as term counts, col. 1, line 39, col. 9, lines 34-42).

As per claim 5, Spencer teaches wherein the inverted index includes entries, each entry including a term extracted from advertiser Web pages and one or more Web page identifiers that identifier advertiser Web page in which the term appears (as the number of occurrences of the term in that document, col. 9, lines 39-41).

Claims 29-32 have similar limitations as claims 2-5, therefore, they are rejected under the same subject matter.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DEBBIE LE  
PRIMARY EXAMINER

